



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 832 (Patron – Sullivan)

LD#: 20103022

Date: 1/8/2020

Topic: Registration of athlete agents

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000 *
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Direct Care:**
Cannot be determined **
- **Juvenile Detention Facilities:**
Cannot be determined **

** Provided by the Department of Juvenile Justice

* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the 2019 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

The proposal amends the *Code of Virginia* by adding Chapter 5.2 in Title 54.1 to create registration requirements for athlete agents, to be administered by the Director of the Department of Professional and Occupational Regulation. The proposal sets out requirements for the registration and conduct of athlete agents and provides for administrative, civil, and criminal penalties. An applicant for registration or renewal of registration as an athlete agent must submit an application containing the required information, and the application shall be signed by the applicant under penalty of perjury. Therefore, any applicant who provides willfully false information on the application form is guilty of perjury, a Class 5 felony under § 18.2-434. The proposal adds § 54.1-531 to prohibit athlete agents from engaging in certain types of conduct; a violation of this section is a Class 1 misdemeanor.

Legislation regulating the registration and conduct of athlete agents was previously passed by the 2011 General Assembly (HB1819); however, this legislation was vetoed by the Governor on May 5, 2011.

Analysis:

Existing data do not contain sufficient detail to estimate the number of additional individuals who may be convicted of perjury if the proposal were enacted. However, affected offenders may be sentenced similarly to those who are currently convicted of perjury under § 18.2-434.

Sentencing Guidelines data for fiscal year (FY) 2018 and FY2019 indicate that 74 offenders were convicted of a Class 5 felony under § 18.2-434. The perjury offense was the primary, or most serious, offense at sentencing in 51 of the cases. Of these, 33.3% of the offenders did not receive an active term of incarceration to serve after sentencing. Another 51% of the offenders were given a local-responsible (jail) term for which the median sentence was three months. The remaining 15.7 % received a state-responsible (prison) term with a median sentence of 1.7 years.

Impact of Proposed Legislation:

State adult correctional facilities. Because it creates a new Class 5 felony, the proposed legislation may increase the future state-responsible (prison) bed space needs of the Commonwealth. Existing databases do not provide sufficient detail to estimate the number of new felony convictions that may result from enactment of the proposal. As a result, the magnitude of the impact on prison beds cannot be quantified.

Local adult correctional facilities. Because it creates a new Class 5 felony and Class 1 misdemeanor, the proposal may increase the local-responsible (jail) bed space needs of the Commonwealth. However, the magnitude of the impact cannot be determined.

Adult community corrections programs. Because the proposal could result in felony and misdemeanor convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for adult community corrections resources. Since the number of cases that may be affected cannot be determined, the potential impact on community corrections resources cannot be quantified.

Virginia’s sentencing guidelines. Felony convictions under § 18.2-434 are covered by the sentencing guidelines as the primary, or most serious, offense. No adjustment to the guidelines is necessary under the proposal.

Juvenile direct care. According to the Department of Juvenile Justice, the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) bed space needs cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal’s impact on the bed space needs of juvenile detention facilities cannot be determined.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the 2019 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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